

1 ROBERT J. VIZAS (SBN 56187)  
2 JULIE B. ROTTENBERG (SBN 169607)  
3 JENNIFER L. CUMMINGS (SBN 208115)  
ARNOLD & PORTER LLP  
90 New Montgomery Street, Suite 600  
San Francisco, CA 94105  
Telephone: (415) 356-3000  
Facsimile: (415) 356-3099  
E-Mail: julie\_rottenberg@aporter.com

6 Attorneys for Defendant  
7 Visa U.S.A. Inc.

8  
9  
10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA  
13  
14 SAN FRANCISCO DIVISION

15 RANDALL JASPERSON d/b/a JASPERSON)  
16 SOD SERVICE, on behalf of himself and all  
17 others similarly situated,

18 Plaintiffs,

19 v.  
20 VISA U.S.A., INC. and MASTERCARD  
INTERNATIONAL, INC.,

21 Defendants.

22 Case No. C05-2996 MMC

23 **STIPULATION AND [PROPOSED]  
24 ORDER TO EXTEND TIME OF ALL  
DEFENDANTS TO MOVE, ANSWER,  
OR OTHERWISE RESPOND TO  
COMPLAINT, AND CONTINUE ALL  
25 OTHER PRETRIAL DEADLINES**

26 **CIVIL LOCAL RULE 6-2**

27 Date: N/A  
28 Time: N/A

29 The Honorable Maxine M. Chesney

30 Plaintiff Randall Jasperson d/b/a Jasperson Sod Service (“Plaintiff”), and Defendants Visa  
31 U.S.A. Inc. (“Visa”), and MasterCard International Incorporated (“MasterCard”), through their  
32 respective counsel, stipulate, pursuant to Civil Local Rule 6-2, to extend the time for all defendants  
33 to move, answer, or otherwise respond to the complaint, and to continue all other pretrial deadlines  
34 in the above-captioned action. Defendants Visa and MasterCard are collectively referred to herein  
35 as “Defendants.” In support of this request, Plaintiff and Defendants stipulate as follows:

36 WHEREAS, on July 26, 2005, plaintiffs in another case pending in this Court filed a Motion  
37 for Transfer Under 28 U.S.C. § 1407 Before the Judicial Panel on Multidistrict Litigation, seeking

1 to create a new MDL proceeding in this Court and coordinate both cases pending in this Court with  
2 a case pending in the Northern District of Georgia;

3 WHEREAS, on July 29, 2005, Defendants, together with additional defendants named in  
4 similar cases not before this Court, filed a separate Motion for Transfer Under 28 U.S.C. § 1407  
5 Before the Judicial Panel on Multidistrict Litigation, seeking to transfer this case, along with 13  
6 others pending in four district courts across the country, to the Northern District of Georgia, and  
7 create a new MDL proceeding;

8 WHEREAS, Defendants oppose plaintiffs' Motion for Transfer;

9 WHEREAS, Plaintiff opposes Defendants' Motion for Transfer;

10 WHEREAS, Plaintiff and Defendants would like to minimize the burdens on the parties and  
11 this Court through an extension of all deadlines in this action until final resolution of the Motions  
12 for Transfer by the Judicial Panel on Multidistrict Litigation;

13 WHEREAS, one previous extension has been granted in this case until September 8, 2005  
14 for Defendants to move, answer or otherwise respond; and

15 WHEREAS, Plaintiff and Defendants agree that this Joint Stipulation is submitted without  
16 prejudice to, or waiver of, any defenses that Defendants may have to this action;

17 NOW THEREFORE, the Parties hereby stipulate and agree as follows:

18 1. To the extent that any served or subsequently served defendant is required to move,  
19 answer, or otherwise respond to the complaint in this action, the deadline for doing so shall be 60  
20 days after an order from the Clerk of the Judicial Panel on Multidistrict Litigation deciding the  
21 pending, as well as any subsequently filed, Motions for Transfer. If the Clerk of the Judicial Panel  
22 on Multidistrict Litigation issues separate orders on different days with respect to the Motions for  
23 Transfer, the date of the latest order will control.

24 2. All other pretrial deadlines, including the time period in which to conduct the  
25 parties' planning conference under Federal Rule of Civil Procedure 26(f), shall be continued in this  
26 action until 60 days after:

27 (i) an order from the Clerk of the Judicial Panel on Multidistrict Litigation  
28 transferring this action to another District Court is filed with the Clerk of the

Northern District of California pursuant to Rule 1.5 of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation, thereby effecting transfer; or

- (ii) an order from the Clerk of the Judicial Panel on Multidistrict Litigation creating an MDL proceeding in the Northern District of California, and coordinating this case therewith, is filed with the Clerk of the Northern District of California pursuant to Rule 1.5 of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation; or
  - (iii) the Judicial Panel on Multidistrict Litigation issues an order or orders denying all Motions for Transfer (if all motions are denied, but in separate orders not issued on the same day, the date of the later order will control).

1 SO STIPULATED:

ARNOLD & PORTER LLP

2 Dated: September 6, 2005

3 By:

4 Robert J. Vizas, No. 56187  
5 Julie B. Rottenberg, No. 169607  
6 Jennifer L. Cummings, No. 208115  
7 90 New Montgomery Street, Suite 600  
8 San Francisco, CA 94105  
9 Tel: 415-356-3000  
10 Fax: 415-356-3099

11 David P. Gersch  
12 Mark R. Merley  
13 ARNOLD & PORTER LLP  
14 555 12th Street, N.W.  
15 Washington, D.C. 20004  
16 Tel: 202-942-5000  
17 Fax: 202-942-5999

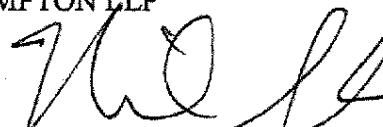
18 Attorneys for Defendant Visa U.S.A. Inc.

1 SO STIPULATED:

2 Dated: September 2, 2005

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SHEPPARD MULLIN RICHTER &  
HAMPTON LLP

By: 

Gary L. Halling, No. 66087  
Michael W. Scarborough No. 203524  
Four Embarcadero Center,  
Seventeenth Floor  
San Francisco, CA 94111  
Tel: 415-434-9100  
Fax: 415-434-3947

Kenneth A. Gallo  
Patricia C. Crowley  
PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP  
1615 L Street, N.W.  
Washington, D.C. 20036-5694  
Tel: 202-223-7300  
Fax: 202-223-7420

Jay Cohen  
Gary R. Carney  
PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Tel: 212-373-3051  
Fax: 212-492-0051

Keila D. Ravelo  
Wesley R. Powell, No. 230430  
HUNTON & WILLIAMS LLP  
200 Park Avenue  
New York, New York 10166  
Tel: 212-309-1000  
Fax: 212-309-1100

Attorneys for Defendant MasterCard  
International Incorporated

1 SO STIPULATED:

MARKUN ZUSMAN & COMPTON, LLP

2 Dated: September 2, 2005

3 By: 

4 David S. Markun, No. 108067  
5 Edward S. Zusman, No. 154366  
6 Kevin K. Eng, No. 209036  
7 465 California Street, Suite 500  
8 San Francisco, CA 94104  
9 Tel: 415-438-4515  
10 Fax: 415-434-4505

11 Karl Cambronne  
12 CHESTNUT & CAMBRONNE  
13 3700 Míthum Tower  
14 222 South Ninth Street  
15 Minneapolis, MN 55402

16 Attorneys for Plaintiff

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: September 7, 2005

19   
20 Hon. Maxine M. Chesney

21

22

23

24

25

26

27

28